

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, October 16, 2012 6:30 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, October 16, 2012, at 6:30 P.M. at the Municipal Building, 811 Avenue E, Fort Madison. Presiding was Mayor Bradley A. Randolph with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Neal Boeding, Travis Seidel, Jason Huppert and Mark Lair present.

A candidate forum with Democrats Rich Taylor, candidate for Iowa Senate District 42, and Jerry Kearns, State Representative, in attendance. City Manager Byron Smith outlined a list of items the City has interest in on the State legislative level. (See meeting of October 2, 2012).

VISITORS AND APPEARANCE REQUESTS

Andy Andrews, North Lee County Historic Society, thanked the City street department and inmate crews for their assistance with the Museum's move back into the Depot. He invited Council to attend the grand rededication of the Museum on November 13.

Mayor Randolph welcomed Caleb Ford, Boy Scout, who was in attendance at the meeting.

AGENDA

Wright MOVED and Seidel SECONDED to approve amended agenda.

MOTION PASSED 7 AYES

CONSENT AGENDA

Lair MOVED and Greenwald SECONDED to approve:

- Minutes of October 2, 2012 as written;
- The 2012 Financial Report for Fiscal Year ending June 30, 2012;
- Mayor's reappointment of Robert Morawitz to the Historic Preservation Commission, term expiring December 31, 2015
- Mayor's reappointment of Theresa Clark-Kline to the Human Rights Commission, term expiring January 1, 2016;
- Liquor License Renewal: Haley's Comet, 1736 Avenue G, effective December 8, 2012 – Class B Native Wine and Sunday Sales;
- Liquor License Renewal: Pizza Hut, 1123 – 24th Street, effective December 8, 2012 – Class B Beer with Sunday Sales;

- Liquor License Renewal: Quicker Liquor Store, 1414 48th Street, effective November 1, 2012 – Class E Liquor, Class C Beer, Class B Wine and Sunday Sales;
- Liquor License Renewal with conditions: Kinnick South, 1310 – 14th Street, effective November 1, 2012 – Class C Liquor License with Outdoor Service and Sunday Sales;
- Five Day Liquor License: Holy Trinity Catholic Schools, 2600 Avenue A, effective October 27, 2012 – Class C Liquor and Sunday Sales;
- Partial Refund of Class C Liquor License: Alpha's on the Riverfront, 701 Avenue H, in the amount of \$211.25; and
- Payment of Claims.

MOTION PASSED 7 AYES

PUBLIC HEARINGS

Concerning Public Improvement Project 2012-06, Kuhlmeier Fountain Restoration

Mayor Randolph opened the public hearing at 7:07 P.M. There were no oral or written comments. Boeding MOVED and Rink SECONDED to close the public hearing.

MOTION PASSED 7 AYES

RESOLUTION NO. 2012-58, ADOPT PLANS, SPECS: Greenwald MOVED and Seidel SECONDED to adopt a resolution approving plans, specifications and form of contract for the project.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of October, 2012.

RESOLUTION NO. 2012-59, AWARD CONTRACT: Rink MOVED and Boeding SECONDED a resolution awarding construction contract for the project to Hennigar Construction, L.C. of Fort Madison, Iowa, in the amount of \$52,937.00.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of October, 2012.

RESOLUTION NO. 2012-60, APPROVE CONTRACT AND BONDS: Lair MOVED and Seidel SECONDED a resolution approving contract and bonds of Hennigar Construction, L.C. pending receipt of the documents.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of October, 2012.

ORDINANCES AND RESOLUTIONS

ORDINANCE C-524, AMEND 2-3-5K, WINTER STORED BOATS: Rink MOVED and Greenwald SECONDED to approve the 3rd reading of an ordinance amending Title 2, Chapter 3, Section 5(K), "Removal of Winter Stored Boats and Trailers".

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Ordinance PASSED and APPROVED this 16th day of October, 2012.

RESOLUTION NO. 2012-61, ORDER CONSTRUCTION, PIP 2012-05 – 1000 BLOCK SEWER: Lair MOVED and Boeding SECONDED to adopt a resolution ordering construction, setting public hearing and bid letting for Public Improvement Project 2012-05, 1000 Block Sewer Replacement Project.

Hayes reported this sewer has collapsed three times in the past two years. There is a high water table present which is compounding the problem. This is not a combined sewer.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of October, 2012.

RESOLUTION NO. 2012-62, ACCEPT PIP 2011-10: Rink MOVED and Greenwald SECONDED a resolution to accept Public Improvement Project 2011-10, Westerly Pump Station Flood Protection Levee.

Kuhljuergen reported this project was completed in 2011 but due to the drought the seeding did not take and had to be reseeded.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of October, 2012.

OTHER

DEMOLITION OF 803/805 H: Rink MOVED and Boeding SECONDED to approve the bid of Brinker Excavating of Hannibal, Missouri in the amount of \$58,000.00 for the demolition and asbestos abatement of 803/805 Avenue H.

Smith said the demolition is a preventative measure. Wright questioned Meller Excavating (next lowest bid) could be awarded the project as that bidder is from Lee County. Smith pointed out the City purchasing policy has a 5% local bidder preference but the difference between the two amounts is higher than 5%. He said the City must have a very good reason to move to the next bid. City Attorney Robert Johnson said the City has a responsibility to take the lowest responsible bid. At the suggestion of rebidding the project, Smith said this is an urgent matter. Seidel said Meller was aware of the 5% local bidder preference. Mayor Randolph asked if the purchasing policy could be amended to raise the local bidder preference to 10%. Smith said there are some changes that need to be made to the purchasing policy to reflect changes in state law but nothing can be done tonight. He pointed out Meller Excavating is not located within city limits.

The Fire Chief has met with the owner and the City will start the legal process to take title to the property.

**MOTION PASSED 6 AYES
1 NAY (Wright)**

PIP 2012-02, ENGINEERING AGREEMENT: Greenwald MOVED and Rink SECONDED to approve the Mayor's signature on an engineering services agreement with Klinger & Associates of Burlington, Iowa, for engineering services to develop plans and specifications and for construction observation for PIP 2012-02, Water Reservoir Rehabilitation.

MOTION PASSED 7 AYES

FILE FY2012 AUDIT: Lair MOVED and Huppert SECONDED to receive and file the audit for Fiscal Year ending June 30, 2012.

MOTION PASSED 7 AYES

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Mayor Randolph reported this was Public Works Director Steve Hayes last Council meeting before his retirement. Mayor Randolph and Council members thanked Hayes for his 37 years of service.

The Santa Fe Bridge will be closed from 9:00 a.m. to 12:00 noon on Monday, October 22 for replacement of a power line. A public meeting will be held at the Burlington Public Library on Wednesday, October 17 as it concerns the Iowa Fertilizer Company's air permit from the Iowa DNR.

ADJOURNMENT

Wright MOVED and Huppert SECONDED to adjourn until Monday, November 5, 2012 at 7:00 P.M., due to election on Tuesday, November 6.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated October 10, 2012 in the amount of \$387,388.40 and Manual Claims in the amount of \$286,936.41.

<u>PAYROLL</u>	<u>October 2, 2012</u>
General	\$139,613.30
RSVP	1,352.38
Docks	43.65
Old Fort	3,516.17
Road Use	21,019.16
Water	37,382.65
Sewer	31,201.43
Solid Waste	14,505.44
Storm Water	<u>2,703.28</u>
	\$251,337.46

Bradley A. Randolph, Mayor
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk